



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 19**

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COMMON ADDRESS OF LOTS TO BE REZONED:

3895 8<sup>th</sup> Ave 706 N 39<sup>th</sup> St Terre Haute IN 47803

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Current Zoning: M-1 Light Industry

Requested Zoning: R-1 Single Family Residence

Proposed Use: Return to Single Family Home

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Name of Owner: Russell D Deahl

Address of Owner: 3895 8<sup>th</sup> Ave Terre Haute IN 47803

Phone Number of Owner: 812-243-8080

Attorney Representing Owner (if any): \_\_\_\_\_

Address of Attorney: \_\_\_\_\_

Phone Number of Attorney: \_\_\_\_\_

For Information Contact: Russell Deahl

Council Sponsor: Norm Loudermilk

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**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

FILED

MAY 07 2012

SPECIAL ORDINANCE NO. 19, 2012

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Legal Description –Lots Eighty-four (84), Eighty –five (85), Eighty-six (86) in Eastlawn, a subdivision in the West half (W ½) of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Pages 38 and 39 of the records in the Recorder's Office of Vigo County, Indiana.

Commonly known as 3895 8<sup>th</sup> Ave Terre Haute, IN 47803 and 706 N 39<sup>th</sup> St Terre Haute IN 47803.

be and the same is, hereby established as a R-1 Single Family Residence, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member, \_\_\_\_\_  
Norm Loudermilk, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Don Morris, President

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

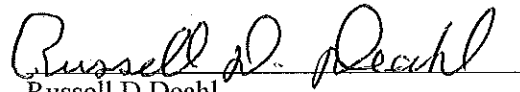
\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

This instrument prepared by Russell D Deahl 3895 8<sup>th</sup> Ave Terre Haute IN 47803.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

  
\_\_\_\_\_  
Russell D Deahl

## PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, **Russell D Deahl**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Legal Description –Lots Eighty-four (84), Eighty –five (85), Eighty-six (86) in Eastlawn, a subdivision in the West half (W ½) of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Pages 38 and 39 of the records in the Recorder's Office of Vigo County, Indiana.

Commonly known as: **3895 8<sup>th</sup> Ave , Terre Haute, Indiana 47803 and 706 N 39<sup>th</sup> St Terre Haute IN 47803.**

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **M-1 Light Industry**.

Your petitioner would respectfully state that the real estate is now **single family home**. Your petitioner intends to use the real estate to **continue as single family home**.

Your petitioner would request that the real estate described herein shall be zoned as a **R-1 single family residence**. Your petitioner would allege that the **single family residence** would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

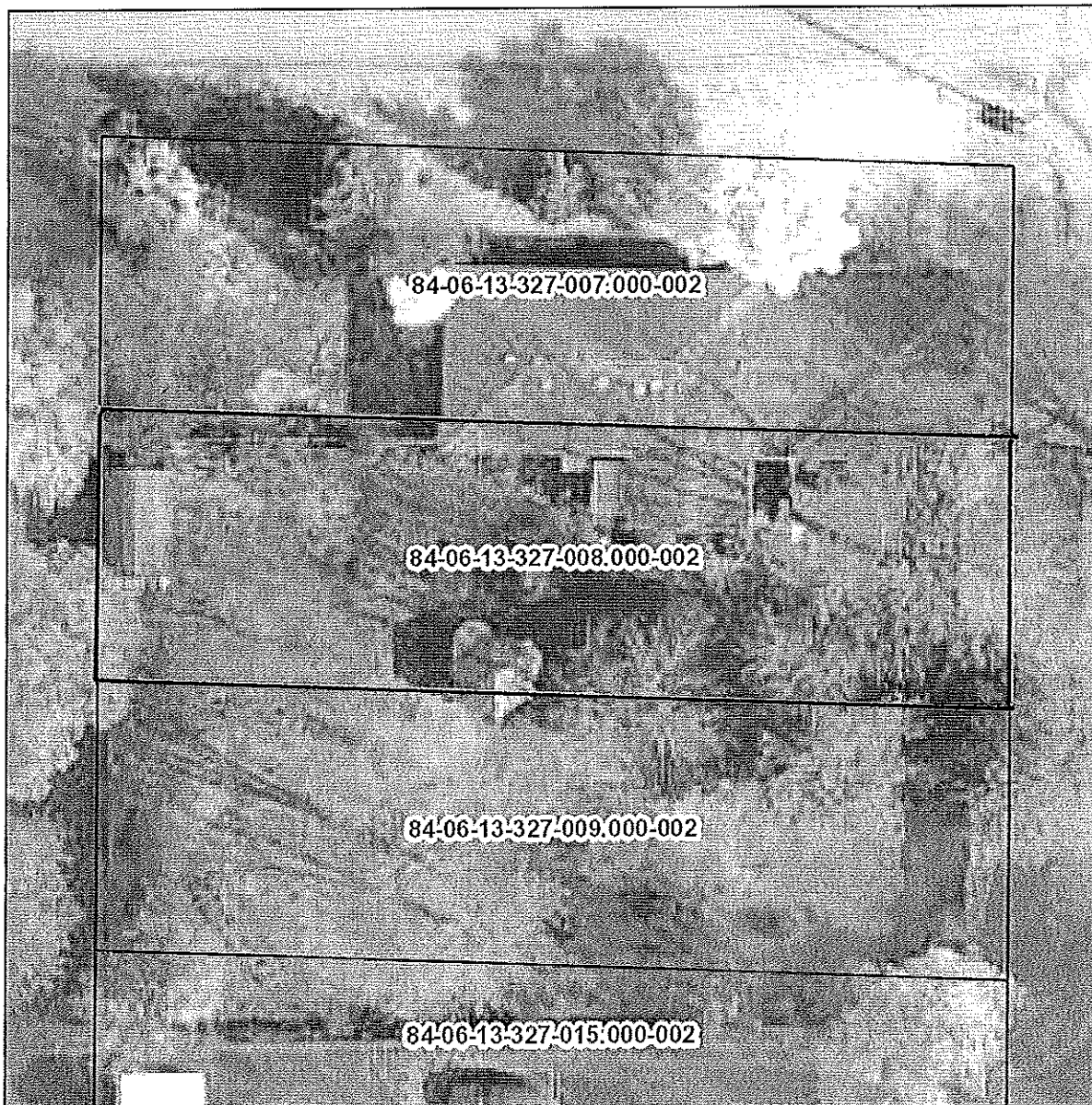
WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R-1 single family residence** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 5 day of May, 2012.

BY: Russell D. Deahl  
Russell D Deahl

PETITIONER: Russell D Deahl 3895 8<sup>th</sup> Ave Terre Haute IN 47803.

This instrument was prepared by Russell D Deahl 3895 8<sup>th</sup> Ave Terre Haute IN 47803  
ph 812-243-8080 .



**No data available for the following modules:** Residential Dwellings, Improvements, Deductions, Exemptions, Photos, Sketches. [Click here for help.](#)

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Subject to final acceptance for transfer

2010008444 WD \$20.00  
07/15/2010 12:06:39P 3 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

*Timothy M. Siegraste*  
VIGO COUNTY AUDITOR

## WARRANTY DEED

THIS INDENTURE WITNESSETH, That Fredda M. Rusnak, of Washington County, in the State of Pennsylvania, and Donna J. Motto, of Vigo County, in the State of Indiana ("Grantors"), CONVEY AND WARRANT to Russell D. Deahl ("Grantee"), of Vigo County, in the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Vigo County, State of Indiana:

Lots Eighty-four (84), Eighty-five (85) and Eighty-six (86) in Eastlawn, a subdivision in the West half (W ½) of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Pages 38 and 39 of the records in the Recorder's Office of Vigo County, Indiana.

Subject to the general real estate taxes prorated to the date of this indenture and all subsequent real estate tax.

Subject to all covenants, conditions, restrictions, easements, leases, encumbrances, and all other matters of record.

Grantor, Donna J. Motto, further warrants and states that she and Fredda M. Rusnak took title to Lot 84 of the above-described real estate by deed dated July 31, 2009 and recorded August 5, 2009 as Instrument No. 2009010510 in the records of the Recorder's Office of Vigo County, Indiana, and that said deed contained a scrivener's error in that she was incorrectly identified as Donna A. Motto rather than Donna J. Motto.

IN WITNESS WHEREOF, Grantors have executed/delivered this deed this 12<sup>th</sup> day of July, 2010.

Fredda M. Rusnak  
Fredda M. Rusnak

Donna J. Motto

STATE OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF WASHINGTON )

Before me, a Notary Public in and for said County and State, personally appeared Fredda M. Rusnak, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 12 day of July, 2010.

2

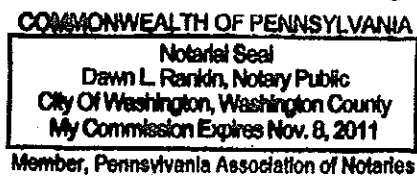
Dawn L Rankin  
Notary Public

Dawn L. Rankin  
Printed Name

My Commission Expires: Nov. 8, 2011

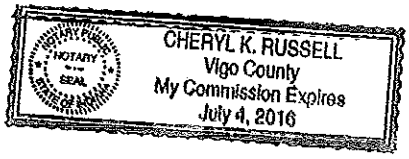
My County of Residence: Washington

STATE OF INDIANA )  
COUNTY OF VIGO ) SS:



Before me, a Notary Public in and for said County and State, personally appeared Donna J. Motto, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 14<sup>th</sup> day of July, 2010.



Cheryl K. Russell  
Notary Public

Printed Name

My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Cheryl K. Russell

3

This instrument prepared by: Jeffrey A. Lewellyn, Attorney at Law  
333 Ohio Street, Terre Haute, IN 47807

Mail tax statements to:

grantee's address: Jayne  
3895 8<sup>th</sup> Avenue 47803

Property address: 3895 8<sup>th</sup> Avenue, Terre Haute, IN 47803

**AFFIDAVIT OF:**

COMES NOW affiant Russell D Deahl

and affirms under penalty of law that affiant is the owner of record of the property located at  
3895 8<sup>th</sup> Ave Terre Haute IN 47803 and 706 N 39<sup>th</sup> St Terre Haute IN 47803

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such  
ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Russell D Deahl

SIGNATURE Russell D. Deahl

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo, Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his  
oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 4<sup>th</sup> day of May, 2012.

Notary Public: Tammy K. Jones

Tammy K. Jones  
[Typed name]

My Commission Expires: 1-16-16

My County Of Residence: Vi GO

**Receipt**

The following was paid to the City of Terre Haute, Controller's Office.

Date: 5/4/12

Name: Russell D. Dahl

Reason: Rezoning Filing \$25.00

Rezoning Petition \$20.00

TERRE HAUTE, IN  
PAID

Cash: \_\_\_\_\_

Check: \$45.00 CK# 5066

Credit: \_\_\_\_\_

Total: \$45.00

MAY 04 2012

CONTROLLER

Received By: M. Dewey